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Attorney for Defendant Butler

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	Case No.: CRS04-019 MCE
Plaintiff,	)	
	)	PETITION FOR WRIT OF HABEAS
vs.	)	CORPUS AD TESTIFICANDUM;
	)	DECLARATION OF DAVID M. DUDLEY;
RODNEY BUTLER	)	WRIT
	)	
Defendant.	)	
	)	
_____	)	

Defendant Rodney Butler hereby moves this Court for the issuance of a writ of habeas corpus ad testificandum in the above-entitled matter. The writ would order the United States Marshal to remove from the United States Penitentiary at Atwater, California co-defendant Trunel Butler for the purpose of his testimony at a hearing on Rodney Butler's motion to suppress evidence presently scheduled for May 31, 2005 at 8:30 a.m. At the hearing, this Court will hear evidence concerning Rodney Butler's claim that he has standing to object to the search of a Chevrolet Camaro from which federal agents seized kilograms of cocaine. As set forth in the attached Declaration of David M. Dudley, counsel for the defendant, Trunel Butler, who is Rodney's nephew and who was driving the Camaro when it was seized, has pertinent information as to the defendant's claim of standing. Trunel Butler is presently in the custody of

the Federal Bureau of Prisons at United States Penitentiary Atwater after being sentenced in this case.

Dated: May 13, 2005

Respectfully Submitted,

/s/David M. Dudley

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David M. Dudley Attorney for  
Defendant Rodney Butler

DECLARATION OF DAVID M. DUDLEY

I, David M. Dudley, declare as follows:

1. I am an attorney at law licensed to practice in the State of California and admitted to practice in the Eastern District of California. I am attorney of record for Defendant Rodney Butler in the above-entitled matter.

2. At a hearing on May 31, 2005, this Court will hear evidence concerning Defendant Butler's standing to object to the search of a Chevrolet Camaro from which federal agents seized kilograms of cocaine.

3. Based upon conversations with my client and others, I am informed and believe that his nephew and co-defendant Trunel Butler, the Camaro's driver when it was seized, would testify in a manner consistent with Rodney Butler's claim of standing. Therefore, I intend to call Trunel as a witness at that hearing but need the Court to issue the attached Petition for Writ of Habeas Corpus Ad Testificandum to secure his presence as he is presently a ward of the Federal Bureau of Prisons.

Under penalty of perjury, I declare the forgoing to be both true and correct.

Dated: May 13, 2005

/s/David M. Dudley

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David M. Dudley

PROOF OF SERVICE

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1800 Century Park East, Suite 600, Los Angeles, California 90067.

On May 14, 2005, I served the foregoing document described in this action as: PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM; DECLARATION OF DAVID M. DUDLEY; WRIT by placing a true copy thereof, enclosed in a sealed envelope in the normal place of drop off by U.S. Postal Service or via facsimile to:

United States Attorney's Office  
501 I Street  
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed at Los Angeles, California on May 16, 2005

/s/Crysti Servin

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Crysti Servin

DAVID M. DUDLEY, ESQ.  
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Attorney for Defendant Butler

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	Case No.: CRS-04-019 MCE
Plaintiff,	)	
	)	
vs.	)	
	)	
RODNEY BUTLER	)	
	)	
Defendant.	)	
	)	
_____	)	

**WRIT OF HABEAS CORPUS AD TESTIFICANDUM**

TO: United States Penitentiary Atwater  
1 Federal Way  
Atwater, California 95301

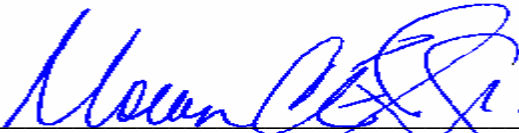
TO: United States Marshal, Eastern District of California, or any  
Authorized United States Marshal

GREETING:

We command that you have the body of **TRUNEL LYNN BUTLER, REG.# 15006-097**, now confined at United States Penitentiary Atwater, Atwater, California, now duly committed to the custody of the **Federal Bureau of Prisons**, under safe and secure conduct before and the United States District Court for the Eastern District of California at Sacramento, California, before **United States District Judge England** on the 31<sup>st</sup> day of May, 2005 at 8:30

p.m. for a hearing on a motion to suppress evidence; and immediately after the said hearing shall have been finished, that you return him to the custody of the **United States Penitentiary Atwater, Atwater, California**, under safe and secure conduct, and have you then and there this writ.

WITNESS, United States District Judge, United States District Court for the Eastern District of California and the seal of said Court at the City of Sacramento, California, on this 18<sup>th</sup> day of May, 2005.

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE